

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JERRY E. SPICER,

Plaintiff,

v.

DR. HENRY RICHARDS,

Defendant.

Case No. C07-5109 FDB/KLS

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO REPLY AND GRANTING
STAY OF DISCOVERY PENDING
RULING ON MOTIONS

Presently noted for consideration on August 17, 2007 is Plaintiff's motion for declaratory relief. (Dkt. # 12). Defendants have filed their response to Plaintiff's motion and filed a cross-motion for summary judgment and motion to stay discovery pending ruling on the motions. (Dkt. # 13). That motion is presently noted on the Court's calendar for consideration on September 7, 2007. Plaintiff requests a two-week extension of time to file his reply to Defendants' response (Dkt. # 21). Defendants have filed no opposition to that request.

The Court finds that there is no showing of prejudice to Defendants by the short continuance and that Plaintiff should be granted a continuance within which to file a reply to Defendants' response to Plaintiff's outstanding motions.

In addition, the Court finds that a stay of discovery is appropriate in this matter pending the

1 Court's resolution of Plaintiff's motion for declaratory relief and Defendant's cross-motion for
2 summary judgment which was filed on August 13, 2007. (Dkt. # 17). The court has broad
3 discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.
4 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26(c).
5 In this matter, Defendants argue that the parties should not be forced to engage in the expense of
6 discovery while issues not related to this action are being litigated. Defendant claims that
7 Plaintiff's motion for injunctive relief was drafted by vexatious litigator Richard Roy Scott and is
8 not related to issues raised in Plaintiff's complaint. Until these preliminary issues are resolved, the
9 Court finds that a stay of discovery is appropriate.

10 Accordingly, it is **ORDERED**

- 11 (1) Plaintiff's motion for continuance (Dkt. # 21) is **GRANTED**. Plaintiff may file his
12 reply to Defendant's response and cross-motion for summary judgment (Dkt. # 13)
13 on or before **September 17, 2007**;
- 14 (2) The Clerk of the Court shall **re-note** Defendant's cross-motion for summary
15 judgment for **September 21, 2007**. Defendant may file and serve their response on
16 their cross-motion for summary judgment on or before **September 21, 2007**;
- 17 (3) All discovery in this matter shall be stayed pending this Court's ruling on the
18 foregoing motions; and
- 19 (4) The Clerk is directed to send a copy of the docket to Plaintiff and copies of this
20 Order to Plaintiff and counsel for Defendants.

21 DATED this 5th day of September, 2007.

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24 Karen L. Strombom
25 United States Magistrate Judge
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